No. 88-1588

Supreme Court, U.S.
FILED
MAR 6 1989
JOSEPH F. SPANIOL, JR.
CLERK

IN THE SUPREME COURT OF THE UNITED STATES

October Term, 1988

OLIVIA BOYCE, Petitioner,

V.

ISRAELITE BIBLE CLASS, INC.,
AN ILLINOIS NOT-FOR-PROFIT
CORPORATION.
Respondent.

PETITION FOR WRIT OF CERTIORARI TO THE APPELLATE COURT OF ILLINOIS, FIFTH JUDICIAL DISTRICT

OLIVIA BOYCE
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Pro Se

QUESTION PRESENTED

(1) Whether a litigant has right under the Due Process Clause of the Fifth, Six, and Fourteen Amendment to the Constitution of the United States to be represented by a license attorney, when the case is a contempt proceeding carrying a potential sanction of incarceration.

(2) Whether Petitioner was denied due process of law when the Appellate Court denied appointement of counsel, pursuant to Illinois Code of Civil Procedure 5-105 poor person.

(3) Whetherthe Order of the Trial Court violated the freedom of Religious protection of the First Amendment of the U.S. Constitution.

(4) Whether a schism between two Religious Organization after having aquired church property, did the Trial Court error by not invading the area of Religious doctrine in determining the respective property rights involved.

(5) Whether the Appellate Court denied

Petitioner Constitutional Rights to due process when it failed to consider established case law in deciding case.

(6) Whether the Appellate Court and the Trial Court erred by not considering established case law, that respondent was Laches, Estoppel.

(7) Whether the Appellate Court and the Trial Court erred in not considering the Respondent silence from March 8, 1983 until 1987 allowing the Petitioner in full view of the Respondent for four years to live and raise her four children in the farm community.

(8) Whether a member of a Religious Organization, living on property owned by church members, and not under any type of restraint by any Court, have the right to invite a homeless woman and her four children into or her home.

LIST OF PARTIES

The parties of the proceeding below were the Petitioner Olivia Boyce and the Respondent Israelite Bible Class, Inc.,

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I. Petitioner was denied the benefit of Appointed counsel by the Illinois Appellate Court to assist Petitioner in her Appeal, Due process demands that no person shall be, deprived of life, liberty or property without due process of law nor be denied equal protection of the laws.
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II. Petitioner requested the appointment

of counsel pursuant to Illinois Code of Civil Procedure 5-105 poor person, and was denied by the Illinois Appellate Court, the purpose of due process safeguards is to insure "fundamental fairness" in judicial or administrative proceeding which may adversely affect the protected rights of an individual.

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CONSTITUTION PROVISIONS

Article 1 & 2 Constitution

IN THE SUPREME COURT OF THE UNITED STATES

October Term, 1988

OLIVIA BOYCE, Petitioner,

V.

ISRAELITE BIBLE CLASS, INC.,
AN ILLINOIS NOT-FOR-PROFIT
CORPORATION.
Respondent.

PETITION FOR WRIT OF CERTIORARI TO THE
APPELLATE COURT OF ILLINOIS,
FIFTH JUDICIAL DISTRICT

The Petitioner Olivia Boyce respectfully prays that a Writ of Certiorari issue to review the Order of the Appellate Court of Illinois, Fifth Judicial District, entered in the above cause on January 17, 1989.

OPINION BELOW

The Circuit Court entered its Order June 4, 1987, Retroactive from May 3, 1982, the Order of the Trial Court adjudged and decreed that Petitioner, Olivia Boyce is held in civil contempt and shall be confined for her contempt to the Pulaski County jail, or other appropriate facility. A copy of the Circuit Court Order is attached hereto as Appendix "A".

The Petitioner Circuit Court appointed Attorney Rodney A. Clutts, filed on June 29, 1987 Notice of Appeal in the Appellate Court of Illinois Fifth Judicial District. A copy of the Notice of Appeal is attached hereto as Appendix "B".

The Petitioner obtained a Stay of the Judgment pending Appeal on July 6, 1987, Judge William H. South also withdrew the Court appointed attorney as of July 6, 1987. A copy of the Circuit Court Order Staying the judgment and withdrew of Court appointed

attorney is attached hereto as Appendix "C".

The Appellate Court entered its Order October 9, 1987 denying Petitioner Request for appointed counsel. A copy of the Appellate Court Order denying Petitioner counsel is attached hereto as Appendix "D".

The Appellate Court of Illinois, Fifth District on August 10, 1988 affirmed the judgment of the Circuit Court. A copy of the Appellate Court Order affirming the Circuit Court Order is attached hereto as Appendix "E".

Petitioner filed for a Rehearing in the Illinois Appellate Court on August 26, 1988 and was denied on August 31, 1988. A copy of the Order denying a Rehearing is attached hereto as Appendix "F".

Petitioner file in the Illinois Supreme Court a "Petition for Appeal as A Matter of Right From the Appellate Court of Illinois, Fifth District, or in the Alturnative for Leave to Appeal." Which was denied on December 8, 1988. A copy of the Order

denying Petitioner Appeal is attached hereto as Appendix "G."

Petitioner file on December 30, 1988 a Motion for Reconsideration in the Illinois Supreme Court which was denied on January 13, 1989. A copy of the Order denying Petitioner Motion for Reconsideration is attached hereto as Appendix "H".

Petitioner file on January 20, 1989 in the Illinois Supreme Court a Motion to Recall and Stay the Mandate of the Illinois Appellate Court Fifth District pending Petitioner, Petition For Writ of Certiorari in the U.S. Supreme Court, Petitioner, Motion to Recall and Stay the Mandate was denied January 26, 1989. A copy of the Order denying the Petitioner Motion to Recall and Stay the Mandate of the Appellate Court is attached hereto as Appendix "I".

JURISDITION

The Respondent brought this suit in the Circuit Court of Pulaski County Illinois. Trial was held on June 4, 1987 and the Petitioner was held in Civil contempt and ordered confined for her comtempt to the Pulaski County jail or other appropriate facility.

On Petitioner Appeal the Appellate Court of Illinois, Fifth Judicial District on August 10, 1988 affirmed the judgment of the Circuit Court. A Petition for Rehearing was denied on August 31, 1988.

The Illinois Supreme Court denied the Petition to Appeal as a Matter of Right or leave to Appeal on December 8, 1988.

Motion for Reconsideration in the Illinois Supreme Court was denid on January 13, 1989.

The Jurisdiction of the Court to review the judgment of the Appellate Court of Illinois, Fifth Judicial District, invoked under 28 U.S.C. Section 1254(1).

CONSTITUTION PROVISION INVOLVED

UNITED STATES CONSTITUTION, AMENDMENT 1:

> Congress shall make no law respecting an established of Religion, or prohibiting the free exercise thereof;... or the right of the people to peaceable to Assemble...

UNITED STATES CONSTITUTION, AMENDMENT 5:

> Nor shall any person... be deprived of life, liberty, or property without due process of law; nor deny to any person within its Jurisdiction the equal protection of the laws.

UNITED STATES CONSTITUTION, AMENDMENT 6:

> To be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence.

UNITED STATES CONSTITUTION, AMENDMENT 14:

> Nor shall any state deprive any person of life, liberty, or property without due process of law; not deny to any person within its jurisdiction the equal protection of the laws.

CONSTITUTUION OF THE STATE OF ILLINOIS ARTICLE 1 BILL OF RIGHTS SECTION 2. DUE PROCESS AND EQUAL PROTECTION

> No person shall be deprived of life, liberty or property without due process of law nor be denied the equal protection of the laws.

CONSTITUTION OF THE STATE OF ILLINOIS ARTICLE 1 BILL OF RIGHTS SECTION 24. RIGHTS RETAINED

> The enumeration in this Constitution of certain rights shall not be construed to deny or désparage other retained by the individuál citizens of the state.

STATEMENT OF THE CASE

A. Factual Backgroand

In 1953 Mr. Lucius Casey, Sr., founded a Religious Organization called the Israelite Bible Class. On March 11, 1953 an Article of Incorporation was filed with the State of Illinois. The by-laws of the Orgainzation required members to attend church each week, and allows each member to build houses on the Israelite Farm, and to share in the profits of the farm.

On April 7, 1953, the Israelite Bible Class, Inc., members purchased property located in Pulaski County Illinois. The Farm now in 1989 includes a community of around 80 houses which were purchased by each individual, at each individual own expense.

On December 31, 1971, the Directors

of the Board of Trustees, of the Israelite Bible Class, Inc., adopted a resolution to change the name of the Israelite Bible Class, Inc., to "The First Church of Israel." The Land owned by the Israelite Bible Class, Inc., was deeded over to The First Church of Israel by the Trustees of the Israelite Bible Class, Inc.

In the latter part of 1976 and the early part of 1977 Mr. Lucius Casey Sr., set up a Bible Study Class in Memphis, Tenn. and excepted new members into the Religious Organization now known as The First Church of Israel.

In the year 1978 I, Olivia Boyce Petitioner, being a member of The First Church of Israel, moved in the Farm community that was now owned by The First Church of Israel with the permission of Mr. Lucius Casey, Sr., President and the Board of Trustees which consist of in 1978; of Mr. Lucius Casey, Sr., Alonzia Harris, Charles Davis, Mahalia Key and Lucius Casey, Jr.

A schism arouse when previously members of The First Church of Israel sever their connection with The First Church of Israel and restablish the old Organization the Israelite Bible Class, taking over the property, farm equipment and the place of worship, to the total exclusion of The First Church of Israel members in 1978.

The members of the restablish old Organization, Israelite Bible Class, Inc., tried through intimidation to force the Petitioner to join the Israelite Bible Class, and when the Petitioner refused and continue to be a member of The First Church of Israel, the respondent Israelite Bible class, Inc., President initiated this law suit to force the Petitioner Olivia Boyce to leave her home, located in the farm community, and to make an example out of the Petitioner to force the other members of The First Church of Israel to join Respondent Religious Organization, Israelite Bible Class, Inc.

B. Proceeding in the Distict Court

The Court Order of the Pulaski County Circuit Court which was issued on May 3, 1982 state that "1. That the Plaintiff Israelite Bible Class, Inc., An Illinois Corporation, has a right to the total and complete possession of the real estate described herein as against the Defendants, Olivia Boyce and Vinson Fleming;

2. That Defendants and the mobile home occupied by them jointly, or individualy, which is described in the Plaintiffs complaint be forcibly evicted and removed from said land, provided that the issuance of a Writ of Restitution or such other document as may be necessary to restore Plaintiff to possession of said real estate be stayed for a period of thirty days from the date of this order."

The Court Order of December 1, 1982 Respondent Petition for Rule to Show Cause; stated "that Defendant's conduct has been a specific attempt to avoid order entered May 3, 1982; that Defendant's conduct has been willful and she is in contempt of Court for her failure to comply with the Order May 3, 1982; that Defendant shall be confined to jail."

Pursuant to said Order, Olivia Boyce was arrested and incarcerated on December 21, 1982. On March 8, 1983 the Honorable

Judge George Oros ordered the release of of Petitioner. Respondent was silence until September 22, 1986 when Respondent filed a Peition for Rule to Show Cause and for further Relief. On June 4, 1987 the Hon. William H. South held Petitioner in contempt of Court for her failure to comply with the order of May 3, 1982.

Petitioner Appealed to Appellate Court of Illinois, Fifth District, and made a Motion to the Appellate Court to appoint counsel to assist Petitioner in her appeal which was denied August 10, 1988. Petitioner forwarded a sign Affidavit informing the Appellate Court thet Peitioner was a Mother of four children age 7, 10, 15, 18 and the only income she recieve is AFDC Public Aid, and ask the Appellate Court to appoint an attorney under the code of Civil Procedure 5-105 poor person.

REASON FOR GRANTING THE WRIT

I.

Petitioner was denied the benefit of appointed counsel by the Illinois Appellate Court to assist Petitioner in her Appeal, Due Process demands that no person shall be, deprived of life, liberty or property without due process of law nor be denied equal protection of the laws.

Article 1 & 2 Constitution of the State of Illinois;

This case is a contempt proceeding carrying a potential sanction of incarceration and fall within the purview of special ligislation such as the Civil Rights Act or Habeas Corpus Act and the U.S. Const. Amend. VI, where in the Petitioner Olivia Boyce should have enjoy the statutory right to counsel.

U.S. Const. Amend. I.
U.S. Const. Amend. V.
U.S. Const. Amend. VI.
U.S. Const. Amend. XIV.
Illinois Constitution Article 1 & 2

Mathews V. Eldridge, 424 U.S. 320, 96, S. Ct. 893 (1976).

Joint Anti-Fascist Comm, V. McGrath, 341 U.S. 123 (1951).

Martin V. Lauer, 684 F. 2d 24 (D.C. Cir 1982).

Adams V. Carlson, 488 F. 2d 619 (7th Cir. 1973).

Porter V. Califano, 592 F. 2d 770 (5th Cir. 1979).

Ryland V. Sharpiro, 708 F. 2d 967 (5th Cir. 1983).

Armstrong V. Manzo, 380 U.S. 545 (1965).

Chambers V. Baltimore & Ohio Railroad, 207 U.S. 142 28 S. Ct. 34 (1907).

The Circuit Court denied Petitioner Constitution Rights to due process when it failed to consider established case law in deciding case.

American Bank and Trust Company V. Trinty Universal Insurance Company et al. 205 so. 2d 35 Dec. 11, 1967.

Croyle V. Croyle, 184 Md. 126, 40A. 2d 374, 379.

Burke V. Funther, 128 N.J. eg 565, 175 2d 481 January 23, 1941

Hutchinson et Al. V. Kenny, 27F. 2d. 254, 256. June 26, 1928.

Wooded Shore Property Owners Association Inc., V. Thomas P. Mathews et al., 345 N.E. 2d 186. March 31, 1976.

The due process requirement of the Fifth, Six, and Fourteenth Amendments to the Constitution require that Petitioner have a meaningful access to the Courts. Porter V. Califano, 529 F. 2d 770 (5th Cir. 1970).

II.

Petitioner requested the appointment of counsel pursuant to Illinois Code of Civil Procedure 5-105 poor person, and was denied by the Illinois Appellate Court, the purpose of due process safeguards is to insure "Fundamental Fairness" in judicial or administrative proceedings which may adversely affect the protected rights of an individual.

Due process requires more than the mere promulgation of laws and regulations which, if followed, would preserve the

most fundamental of rights. U.S.C.A. Const. Amends. 5, 14.

Due process in not technical conception with fixed content unrelated to time, place and circumstances; rather, it is flexible and calls for such procedural protections as particular situation demands. Mathews V. Eldridge, Va. 1976, 96 S ct, 893, 424 U.S. 319, 47 L. ed. 2d 18.

Fundamental purpose of due process clause is to allow aggrieved party the opportunity to present his case and to have its merits fairly judged. U.S.C.A. Const. Amends. 5, 14, Okenson V. Tolley School Dist. No. 25, Renville County, State of N.D., 760 F. 2d 864, 766 F. 2d 378.

U.S.C.A. Const. 5, 14

Baugh V. Woodard 604 F. Supp, 1529,

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U.S. V. Crozier, 777 F. 2d 1376

Dorn's Transp., Inc., V. I.A.M.Nat. Pension Fund, Ben, Plan A, 578 F. Supp, 1222, 753 F. 2d 166, 243 U.S.

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Toadway Exp., Inc. V. Donovan, 603 F. Supp, 249.

McCleskey V. Kemp. 753 F. 2d 877.

Crist V. Lane, 745 F. 2d 476.

Walters V. National Ass'n of Radiation Surviors, 105 S. ct 3180.

Haygood V. Younger, 769 F. 2d 1350.

Hanke V. Walters, 740 F. 2d 654

And for the reasons stated under Petitioner due process argument, demostrates the highest need for exercise of this Honorable Court's discretion to issue the Writ of Certiorari. This case is a proper one for exercise of the Court's Certiorari Jurisdiction.

CONCLUSION

Petitioner, Olivia Boyce had a constitutional right to be represented by a court appointed attorney which was denied her by the Illinois Appellate Court Fifth Judicial District. The due process requirement of the Fifth, Six, and Fourteenth Amendments require

that an individual be given a menaingful hearing before his or her property is taken from him or her. The record is full of example where the Petitioner were shown not to be able to handle her own defense. And since this case is a contempt proceeding carrying a potential sanction of incarceration and fall within the purview of special legislation such as the Civil Rights Act or Habeas Corpus and the U.S. Const. Amend. VI, wherein the Petitioner should have enjoy the statutory right to counsel.

The Order of the Appellate Court of Illinois Fifth Judicial District should be reversed or remand further hearing where Petitioner is represented by court appointed attorney.

For the foregoing reasons, Petitioner, Olivia Boyce respectfully requests that a Writ of Certiorari issue to review the judgment of the Illinois Appellate Court Fifth Judicial District.

Respectfully Submitted,

Olivia Boyce

Olivia Boyce
(Pro Se)
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618-845-3600
618-845-9273

March 3, 1989

APPENDIX

IN THE CIRCUIT COURT
FOR THE FIRST JUDICIAL CIRCUIT OF ILLINOIS
PULASKI COUNTY, MOUND CITY, ILLINOIS

ISRAELITE BIBLE CLASS, INC., An Illinois Not-for-Profit Corporation,	)	
Plaintiff,	)	No. 81-CH-3
VS.	)	Filed Dec. 10, 1987
OLIVIA BOYCE,	)	
Defendant.	)	

ORDER

Now on this 4th day of June, 1987, comes on for hearing the Petition for Rule to Show cause and For Further Relief filed by Plaintiff on September 22, 1986, and the Order issued thereon on October 8, 1986; the Plaintiff, Israelited Bible Class, Inc., an Illinois Not-for-Profit Corporation, appears through its officers and together with its counsel, Paul F. Henry of the lawfirm Kruger and Henry; the Defendant, Olivia Boyce, appears in open Court together with her appointed attorney, Rodney Clutts; the Court hears sworn testimony adduced, examines exhibits admitted, takes judicial notice of prior proceedings in this cause and collateral

cases 86-CH-12 and 78-CH-5, entertains arguments of counsel and being otherwise fully advised in the premises finds:

1. That the Court has jurisdiction of the parties and the subject matters hereto.

2. That on May 3, 1982, a final Order was entered in this cause granting Plaintiff total and complete possession of the real estate described herein in Plaintiff's Petition as against the named Defendant, Olivia Boyce. No Appeal was taken from said final judgment and the findings and Orders issued by the Court therein are binding on this Court.

3. That pursuant to the Order issued May 3, 1982, Defendant, Olivia Boyce, was ordered to vacate the subject premises and to remove therefrom her personal belongings and the mobile home occupied by her. Defendant was further premanently enjoined from constructing any permanent structure on said land.

4. That on October 14, 1982, a Rule to Show Cause was issued due upon verified Petition compelling Defendant, Olivia Boyce, to show cause why she should not have been held

in contempt for her refusal to vacate the subject property. After due notice and hearing a final and appealable Order was entered on December 17, 1982, finding Olivia Boyce in contempt of Court and sentencing her to confinement in the Pulaski County Jail. Pursuant to said Order, Olivia Boyce was arrested and incarcerated on December 21, 1982.

5. That on March 8, 1983, the Honorable Judge George Oros ordered the release of Defendant and admonished her that she was still subject to the Court Order to move from the premises and that if she returned to the premises she would be in contempt of Court. The Court herein further specifically finds that Defendant heard and understood said admonishment of the Court.

6. That immediately upon her release from jail, Defendant, Olivia Boyce, did immediately return to the property in question and resumed residence.

7. That the Defendant's purported

transfer of the title and ownership of her trailer to Mahalia Key was not supported by consideration and is not a viable defense. The alleged transfer of said trailer occured prior to the previous finding of contempt entered on December 17, 1982. Defendant testified she owned the mobile home free and clear of any lien or encumbrance at the time of the allege transfer and the alleged transfer was not supported by adequate consideration.

8. That Defendant has failed to establish the defenses of laches or estoppel by the requisite degree of proof and the Court finds that Defendant's continued residence on the property at the alleged invitation of third parties is not a viable defense.

9. That the Defendant's conduct has been wilful and she is in contempt of Court for her failure to comply with the Order of May 3, 1982, and the prior Orders of this Court.

WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED:

1. That Defendant, Olivia Boyce, is held

in civil contempt for her wilful and contumacious refusal to comply with the Court's Order issued previously herein on May 3, 1982, and the prior orders and admonishments of this Court.

2. That Defendant, Olivia Boyce, shall be confined for her contempt to the Pulaski County jail, or other appropriate facility. Defendant's committment shall be stayed until 12:00 NOON on July 8, 1987, and if Defendant vacates the subject property described in the Court's Order of May 3, 1982, and removes therefrom all her personal belongings and all vehicles and mobile homes which she owns or in which she claims an ownership interest, she shall have purged herself of contempt and shall not be confined.

3. If the Defendant remains on or continues to occupy any part of the premises described in the prior Order of May 3, 1982, after the appointed time of 12:00 NOON on July 8, 1987, she shall immediately present herself to the Sheriff of Pulaski County for

confinement in the Pulaski County jail. If Defendant fails or refuses to so present herself at 12:00 NOON on July 8, 1987, the Sheriff of Pulaski County shall immediately thereafter arrest Defendant and remove her from the premises and confine her to jail. In the event Defendant is confined to jail she shall so remain until further Order of Court or until she purges herself by agreeing to and removing herself and her possessions from the premises.

4. That there is no reason to delay enforcement or appeal of this matter.

DATED: December 10, 1987

ENTER:

William H. South
JUDGE

This Order Prepared By:

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KRUGER & HENRY
ATTORNEY AT LAW
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IN THE APPELLATE COURT OF ILLINOIS

FIFTH JUDICIAL DISTRICT

NO. 5-87-0484

ISRAELITE BIBLE CLASS, INC., An Illinois Not-for-Profit Corporation, PLAINTIFF-APPELLEE, VS. OLIVIA BOYCE, DEFENDANT-APPELLANT.	Appeal to the Fifth Appellate Court of Pulaski County First Judicial Circuit, Pulaski County, Illinois No. 81-CH-3 Honorable William H. South, Judge Presiding Filed June 29, 1987

NOTICE OF APPEAL

Please take notice, that the defendant-appellant in this cause hereby appeals to the Appellate court of Illinois Fifth Judicial District from the Order entered of the Circuit Court of Pulaski County, Illinois, entered on June 4, 1987, on Petition for Rule to Show Cause. Said Order found **OLIVIA BOYCE** in a civil contempt for wilful and contumacious refusal to comply with the Court Order previously issued on May 3, 1982. That the Order

further confined OLIVIA BOYCE to Pulaski County jail for her refusal to remove herself from the property. However, the Order was stayed until 12:00 o'clock noon, July 8, 1987, to allow OLIVIA BOYCE to purge herself from the contempt.

That the defendant-appellant seeks review of the Appellate Court, specifically, the review of whether OLIVIA BOYCEis in civil contempt and whether that contempt was a wilful and contumacious refusal to comply with the Court Order issued on May 3, 1982, and whether the punishment of incarceration is the proper recourse or punishment.

That the defendant-appellant seeks reversal of the Order or remand further hearing.

Rodney A. Clutts
RODNEY A. CLUTTS, Attorney
for Olivia Boyce

PROOF OF SERVICE

June 29, 1987
Darlene Douglas

RODNEY A. CLUTTS
ATTORNEY FOR DEFENDANT-APPELLANT
133 W. VIENNA STREET - P.O. BOX 125
ANNA, ILLINOIS 62906
TELEPHONE: (618) 833-8585

IN THE CIRCUIT COURT OF THE FIRST JUDICIAL CIRCUIT

PULASKI COUNTY, ILLINOIS

ISRAELITE BIBLE CLASS, INC., An Illinois Not-for-Profit Corporation,	)	
Plaintiff,	)	
VS.	)	NO. 81-CH-3
	)	Filed July 14, 1987
OLIVIA BOYCE,	)	
Defendant.	)	

ORDER FOR STAY

Now on this 6th day of July, 1987, this cause coming on for hearing before the Honorable William South on the Motion for Stay or in the Alternative Motion to File Appeal Bond. The Court having examined the file herein and after determining that it has juridiction over the subject matter of said Motion and Olivia Boyce being in Court with her attorney, Rodney A. Clutts, the Court hereby finds that it would be in the best interest of Olivia Boyce to stay the Order entered herein on June 4, 1987, finding Olivia Boyce in wilful and wanton

comtemp of Court and ordering her into the custody of the Pulaski County Sheriff on July 8, 1987, at 12:00 o'clock noon. Said stay will remain in effect until the appeal process has been completed and said stay is subject to Olivia Boyce signing a Five Thousand Dollar ($5,000.00) recongnizance bond, which bond shall insure her appearance before this Court when ordered to do so or at the end of the appeal period.

IT IS THEREFORE ORDERED that the Order finding Olivia Boyce in comtempt of Court on June 4, 1987, is hereby stayed and that Olivia Boyce shall file a personal recognizance bond with no surety in the amount of Five Thousand Dollars ($5,000.00) to assure her appearance before this Court at the end of the appeal process.

IT IS FURTHER ORDERED that this Court having appointed Rodney A. Clutts to represent Olivia Boyce during the hearing on the contempt on June 4, 1987, shall have no further respons-

ibilities or duties to represent Olivia Boyce and shall withdraw from all files and shall not be responsible to represent Olivia Boyce during the pendency of this appeal or other proceedings pursuant to his appointment on March 9, 1987. Further that if Olivia Boyce desires counsel, she shall provide or hire her own private counsel or shall appear pro se.

Entered: This 10th day of July, 1987.

William H. South

William H. South

RODNEY A. CLUTTS
ATTORNEY AT LAW
133 WEST VIENNA STREET
ANNA, IL 62906

No. 5-87-0484

IN THE

APPELLATE COURT OF ILLINOIS

FIFTH DISTRICT

ISRAELITE BIBLE CLASS, INC., An Illinois not-for-Profit Corporation,	)	Appeal from the Circuit Court of Pulaski County.
Plaintiff-Appellee,	)	
VS.	)	No. 81-CH-3
OLIVIA BOYCE,	)	Filed Oct. 9, 1987
Defendant-Appellant.	)	

O R D E R

This cause having been considered on motion of Olivia Boyce, defendant-appellant, for leave to file an appellant's brief instanter and for appointment of counsel on appeal, and the court being fully advised in the premises:

IT IS THEREFORE ORDERED that defendant-appellant's brief shall be, and the same hereby is, filed instanter.

IT IS FURTHER ORDERED that defendant-appellant's motion for appointed counsel shall be, and the same hereby is, DENIED.

STATE OF ILLINOIS, APPELLATE COURT, FIFTH DISTRICT, ss. AT AN APPELLATE COURT, begun and held at Mt. Vernon, on the First Friday, in the month of July, in the year of our Lord, one thousand nine hundred and eighty-eight, the same being the 1st day of July, in the year of our Lord, one thousand nine hundred and eighty-eight

Hon. MOSES W. HARRISON II, PRESIDING Justice.

Hon. JOHN M. KARNS, Justice.

Hon. HENRY LEWIS, Justice.

Hon. LOUIS E. COSTA, Clerk.

BE IT REMEMBERED, that on the 10th day of August, 1988, the final judgment of the appellate Court was entered of record as follows:

ISRAELITE BIBLE CLASS, INC., An Illinois Not-for-Profit Corporation, Plaintiff-Appellee,	Filed Jan. 1989
No. 5-87-0484 Term, 1988 v.	Appeal from Circuit Court Pulaski County.
OLIVIA BOYCE, Defendant-Appellant.	

O R D E R

It is the decision of this Court that the judgment on appeal be AFFIRMED and stand in full force and effect. And it is further considered by the Court, that the said Appellee recover of and from the said Appellant costs, by it in this behalf expended, and that it have execution therefor.

As Clerk of the Appellate Court, Fifth District of the State of Illinois and keeper of the records, files and Seal thereof, I certify that the foregoing is a true copy of the final order of the said Appellate Court in the above entitled cause of record in my office.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the Seal of said Court this 17th day of January, 19 89.

Louis E. Costa

Clerk of Appellate Court.

No. 5-87-0484

IN THE

APPELLATE COURT OF ILLINOIS

FIFTH DISTRICT

ISRAELITE BIBLE CLASS, INC., An Illinois Not-for-Profit Corporation,	)	Appeal from the Circuit Court of Pulaski County.
Plaintiff-Appellee,	)	
v.	)	No. 5-87-0484
OLIVIA BOYCE,	)	Filed Aug. 31, 1988
Defendant-Appellant.	)	

O R D E R

This cause having been considered on Appellant's Petition for Rehearing, and the Court being fully advised in the premises;

IT IS THEREFORE ORDERED that the Appellan's Petition for Rehearing be,and the same hereby is, DENIED.

lg

67727

ILLINOIS SUPREME COURT
JULIANN HORNYAK, CLERK
SUPREME COURT BUILDING
SPRINGFIELD, Ill. 62706
(217) 782-2035

December 8, 1988

Ms. Olivia Boyce
P. O. Box 188
Ullin, Illinois 62992

No. 67727 - Israelite Bible Class, Inc., Olivia Boyce, petitioner. Leave to appeal, Appellate Court, Fifth District.

The Supreme Court today DENIED the petition to appeal as a matter of right or leave to appeal in the above entitled cause.

The mandate of this Court will issue to the Appellate Court on December 30, 1988.

IN THE

SUPREME COURT OF ILLINOIS

No. 67727

Israelite Bible Class, Inc., etc., Respondent	) Appellate Court Fifth District
v.	) 5-87-0484 81-CH-3
Olivia Boyce, Petitioner	) Filed Jan. 13, 1989

ORDER

This matter coming on to be heard upon the motion by petitioner for leave to file a motion for reconsideration of the order denying petition for appeal as a matter of right, or petition for leave to appeal, notice having been served upon all parties and the Court being fully advised in the premises;

IT IS HEREBY ORDERED that the motion is DENIED.

STATE OF ILLINOIS

SUPREME COURT CLERK

SUPREME COURT BUILDING

SPRINGFIELD 62706

January 26, 1989

Juleann Hornyak
Clerk of The Court
(217) 782-2035

First District
Office
Room 30-129
Richard J. Daley
Center
Chicago 60602
(312) 793-1332

Ms. Olivia Boyce
P. O. Box 188
Ullin, IL 62992

THE COURT HAS TODAY ENTERED THE FOLLOWING

ORDER IN THE CASE OF:

No. 67727 - Israelite Bible Class, Inc., etc., respondent, v. Olivia Boyce, petitioner.

Motion by petitioner, pro se, to recall the mandate of the Appellate Court, Fifth District, in case No. 87-0484, pending the timely filing and disposition of a petition for writ of certiorari in the United States Supreme Court. Motion denied. Calvo, J., took no part.

JH:sl

cc - Kruger & Henry

IN THE SUPREME COURT OF THE UNITED STATES

October Term, 1988

OLIVIA BOYCE, Petitioner,

V.

ISRAELITE BIBLE CLASS, INC.,

AN ILLINOIS NOT-FOR-PROFIT

CORPORATION.

Respondent.

AFFADIVIT

STATE OF ILLINOIS)
S.S.
COUNTY OF PULASKI)

Now come the Affiant Olivia Boyce, in the above entitle cause, being first duly sworn upon her oath doth depose and states as follow:

1. That the facts set forth herein are based upon the personal knowledge of Affiant and if called as a witness I can

competently testify thereto.

2. That Affiant have filed with the United States Supreme Court an Application For Writ of Certiorari.

3. That Affiant complied with United States Supreme Court Rule 17-21 Petition For Certiorari.

4. That Affiants forewarded three copies of their Application For Writ of Certiorari to Plaintiffs Attorney of record Mr. Paul Henry, with copies of all papers filed in the United States Supreme Court with proof of service.

5. The further Affiant saith naught.

Olivia Boyd

Subscribed and sworn to before me this 1st day of August 1989.

Notary Public

My Commission Expires Nov. 20, 1989